

**ASSEMBLY BILL**

**No. 2903**

**Introduced by Assembly Member Kehoe**

February 25, 2002

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An act to amend Section 7054 of the Education Code, relating to use of district property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2903, as introduced, Kehoe. Use of district property: school and community colleges districts.

Existing law makes it a misdemeanor or felony, punishable as specified, to use school district or community college district funds, services, supplies, or equipment for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district. Existing law does not prohibit the use of these public resources to provide information to the public about the possible effects of any bond issue or other ballot measure if certain conditions are met, as specified.

This bill would, in addition, not prohibit the use of district resources for the distribution and delivery of written materials prepared and paid for by an employee organization urging the support or defeat of any ballot measure or candidate if certain conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7054 of the Education Code is amended  
2 to read:

1 7054. (a) No school district or community college district  
2 funds, services, supplies, or equipment shall be used for the  
3 purpose of urging the support or defeat of any ballot measure or  
4 candidate, including, but not limited to, any candidate for election  
5 to the governing board of the district.

6 (b) Nothing in this section shall prohibit the use of any of the  
7 public resources described in subdivision (a) ~~to~~ *for any of the*  
8 *following:*

9 ~~(1) provide~~ *Providing* information to the public about the  
10 possible effects of any bond issue or other ballot measure if ~~both~~  
11 ~~of the following conditions are met:~~

12 ~~(1) The~~ *the* informational activities are otherwise authorized by  
13 the Constitution or laws of this state-, *and*

14 ~~(2) The~~ *the* information provided constitutes a fair and  
15 impartial presentation of relevant facts to aid the electorate in  
16 reaching an informed judgment regarding the bond issue or ballot  
17 measure.

18 ~~(2)~~ *Distributing or posting written materials prepared and paid*  
19 *for by an organization that urge the support or defeat of any ballot*  
20 *measure or candidate if the written materials make clear that the*  
21 *employee organization is the author; and the written materials are*  
22 *distributed or posted in the same manner that written materials of*  
23 *the employee organization are normally posted, including the use*  
24 *of employees' boxes and bulleting boards.*

25 (c) A violation of this section shall be a misdemeanor or felony  
26 punishable by imprisonment in the county jail not exceeding one  
27 year or by a fine not exceeding one thousand dollars (\$1,000), or  
28 by both, or imprisonment in a state prison for 16 months, or two  
29 or three years.